



NATURAL RESOURCES DEFENSE COUNCIL



Pacific
Institute

**SAN PEDRO
AND PENINSULA
HOMEOWNER'S
COALITION**

**FRESNO
METROPOLITAN
MINISTRY**

**WEST OAKLAND
ENVIRONMENTAL
INDICATOR
PROJECT**

**COALITION
FOR A SAFE
ENVIRONMENT**

April 21, 2006

Via Facsimile and U.S. Mail

Sunne Wright McPeak
Secretary
California Business, Transportation & Housing Agency
980 9th Street, Suite 2450
Sacramento, CA 95814

Cindy Tuck
Assistant Secretary for Policy
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

**Re: Outstanding Public Health, Environmental and Community Issues That Have
Not Been Addressed in the State's Goods Movement Action Plan Process**

Dear Secretaries Wright McPeak and Tuck:

On behalf of the undersigned groups, we decline your invitation for further comments on the most recent Goods Movement Action Plan Framework for Action. For well over a year, representatives from community, environmental and public health organizations have commented extensively on the plan. We have submitted numerous written comments, provided oral testimony, and participated as "integrating work group" members—expressing the same concerns time and time again. While we acknowledge and appreciate the incorporation of some of our concerns in the various draft plans, to our disappointment, many of our most critical issues have not been addressed, and despite our requests, we have not received any clear indication as to whether these issues will ever be addressed. For these reasons, we believe that this process (and any by-product of this process) is fundamentally flawed. *This letter amends our letter to you, dated April 18, 2006, by adding additional signatories; the content, however, remains the same.*

Therefore, at this stage in the process, we are compelled to articulate, once more, our overarching concerns with this process and request that you indicate by the next Goods Movement meeting what action you plan to take (if any) in response to our concerns. While we understand that you are not obligated to respond to our specific comments, we are hopeful that given our good faith participation in this process, you see the value in providing a clear response to our issues so that the public can fully understand the direction the Administration is heading.

To be clear, our desire for an immediate response from you stems from our commitment to creating a healthful environment and sustainable quality of life for residents impacted by international trade, ports, and goods movement activities – and for the workers in these industries. As the California Air Resources Board has stated, local communities throughout California, often minority and low-income, are subsidizing the goods movement industry with their health:

Living in communities significantly impacted by air pollution causes adverse health effects, particularly for children, the elderly, and those with compromised health. The communities closest to the ports, adjacent to heavily traveled freeways, and near rail facilities are subjected to even greater impacts and have a greater localized risk due to exposures to unacceptably high levels of diesel PM.¹

Accordingly, we believe that only the most aggressive and enforceable “action plans” will reduce pollution and restore environmental quality and health in these communities and for these workers.

Our core concerns are enumerated below.

- 1. The Administration should conduct a comprehensive analysis of the role of goods movement in the California economy *before* moving forward with promoting the expansion of infrastructure to accommodate the doubling or tripling of international trade in the state.**

Throughout this process we have repeatedly cited the paper published by Jon Haveman of the Public Policy Institute of California that raises questions about whether the unlimited expansion of international trade and the goods movement system is a benefit for Californians. Given such studies, responsible governance demands a full accounting of all the benefits and costs of expanding goods movement to determine whether expanding trade through our state is good for California. Nevertheless, we have not received any response as to whether this analysis will be conducted. Given that the Final Action Plan will be issued in June 2006, we assume that it will not be, but would still appreciate a response to our request.

¹ See California Air Resources Board. Evaluation of Port Trucks and Possible Mitigation Strategies. <http://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm> Accessed April 13, 2006.

2. The Administration should determine the infrastructure needs of each corridor instead of prematurely listing specific infrastructure projects within the plan. The list of Preliminary Candidate Actions (infrastructure projects) should be removed from the Goods Movement Action Plan Framework for Action.

If a comprehensive study indicates that international trade and goods movement expansion would benefit California, sound planning requires the Administration to determine the infrastructure needs of each transportation corridor *before* selecting infrastructure projects. However, this process has prematurely listed specific infrastructure projects within the plan before they are even considered against a finalized set of criteria. As we have previously noted, this project list (given to the working group in August 2005) is an impediment to responsible planning. It deprives the state of valuable leverage to incorporate mitigation measures, and to select alternatives to traditional freeway expansion/rail projects such as zero emission technologies like SAFE and maglev transit. In fact, after a year of participating in this process we continue to question whether this plan is simply a *post hoc* rationalization for undertaking the "Preliminary Candidate Actions."

While we have been told that the project list will likely remain in the plan, we ask for a definitive answer to our request.

3. The Administration must ensure that the most environmentally sound infrastructure projects are selected.

We simply cannot understand why the criteria for infrastructure projects fails to ensure that the most environmentally sound and least polluting projects are selected. Environmental criteria are essential to securing one of the predominant principles of the Action Plan: "simultaneous and continuous improvement in infrastructure and mitigation." Moreover, failing to include environmental criteria will make it impossible to realize the Administration's air quality goals of (1) reducing emission levels back to 2001 levels by no later than 2010, (2) reducing emissions until ambient air quality standards are met and community impacts are mitigated, (3) achieving 85 percent reduction in diesel-related health risks, (4) and ensuring sufficient localized risk reduction in each affected community.

We have repeatedly requested that criteria for infrastructure projects incorporate environmental concerns, but have not received a clear response as to whether such a criterion will be included.

4. The Administration must have a comprehensive implementation plan for preventing and mitigating environmental impacts (including air, water, and noise) before expanding infrastructure.

We acknowledge and appreciate the efforts undertaken to produce the Goods Movement Emission Reduction Plan (GMERP). However, GMERP lacks an implementation strategy, and will not be complete until 2007 or 2008. Indeed, while the California Air Resources Board has identified mitigation measures that may secure emissions reductions, it is still determining whether those measures should be implemented through regulations or other means. This

uncertainty precludes “simultaneous and continuous improvement” given that the Final Goods Movement Plan is to be issued this summer.

Further, GMERP addresses only air pollution. Nothing similar to GMERP has been created for other environmental impacts generated from infrastructure expansion—such as water and noise impacts. It is simply irresponsible to move in a direction that commits to goods movement infrastructure expansion for the next few decades without first knowing that we have a public health impact prevention and mitigation plan firmly in place. We once again request that the Administration wait until GMERP, as well as mitigation for other environmental impacts, are finalized before moving forward with this process.

5. The Administration must identify goals and strategies for addressing community impacts, workforce development, security concerns, and environmental justice concerns before expanding infrastructure.

This process has been wholly inadequate in addressing community impacts. Despite the Administration’s promise to “improve the quality of life,” and intense participation by community groups in this process, the state has made no real commitment to mitigating existing and future impacts to local communities. In fact, in the most recent draft Framework for Action the state actually retreats from its promise to “improve quality of life” by abdicating its responsibility to control, prevent and abate noise to local governments. Such actions fail to acknowledge the leverage and bargaining power the state has at this stage in the planning process to convince industry to incorporate community mitigation into proposed projects.

We again request that the Administration abide by its promise to “improve quality of life,” and identify and mitigate community impacts from goods movement expansion.

6. The Administration should ensure that the total cost of goods movement-related infrastructure projects include the cost of environmental and community mitigation, and that this combined cost is funded as the total cost of the project.

It will be impossible to achieve “simultaneous and continuous improvement” or the Administration’s air quality and quality of life goals, if funding is not available for environmental and community impact mitigation. Thus, there must be mechanisms in place that ensure “simultaneous” funding, and that delay expansion if air quality and community impact goals are not achieved. While a former draft of the Framework for Action included language that would cut-off funding for infrastructure projects if air quality goals were not achieved, such language has since been removed from the draft. While we understand the difficulties in devising mechanisms that will truly hold the state and project proponents accountable to environmental and community goals, we must work together to ensure those safety-nets are in place. We would appreciate a clear response to this concern.

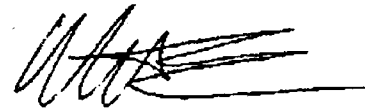
Conclusion

Throughout this process, our primary objective has been to ensure that any expansion of the state's goods movement system does not further degrade the environment, local communities, or public health. In fact, we have been merely attempting to secure *this Administration's* promises to improve air quality, the health of California's residents and their quality of life, especially for the most seriously impacted residents who live near goods movement facilities (ports, railyards, freeways, and distribution centers). Nevertheless, we have become increasingly concerned that these goals will not be achieved if this process continues on its current path. We look forward to hearing from you by the next IWG meeting.

Sincerely,



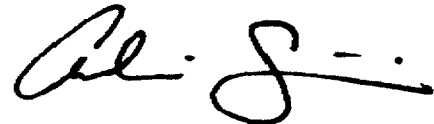
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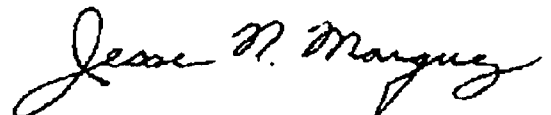
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